City of Lafayette
City Council Special Meeting

MINUTES

Lafayette Community Center – Sequoia Room
500 St. Mary's Road, Lafayette, California

October 27, 2008
6:30 p.m.

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 6:30 p.m.

2. ROLL CALL

Present: Council Members: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Andersson and Federighi

Absent: Councilmember Anduri

Staff: Steven Falk, City Manager; Ann Merideth, Community Development Director; Tony Coe, City Engineer; Mala Subramanian, City Attorney

3. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/Andersson) to adopt the agenda. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

4. PUBLIC COMMENTS

5. CLOSED SESSION

A. **Public Employee Performance Evaluation (Gov. Code section 54957)**
Title: City Manager
Recommendation: None

B. **Conference with Legal Counsel – Anticipated Litigation: Significant exposure to Litigation pursuant to Government Code section 54956.9(b) (1 Case)**
Recommendation: None

6. ADJOURNMENT

ACTION: It was M/S/C (Tatzin/Federighi) to adjourn the Special City Council Regular Meeting at 7:00 p.m. to the next regular City Council meeting on October 27, 2008. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri)..

APPROVED:

_____
Mike Anderson, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk

City of Lafayette
City Council Regular Meeting

MINUTES

Lafayette Community Center – Manzanita Room **October 27, 2008**
500 St. Mary's Road, Lafayette, California **7:00 p.m.**

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Council Members: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Andersson and Federighi

Absent: Councilmember Anduri

Staff: Steven Falk, City Manager; Tracy Robinson, Administrative Services Director; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning & Building Services Manager; Matt Luttropp, Associate Engineer; Mala Subramanian, City Attorney; Joanne Robbins, City Clerk

3. PLEDGE OF ALLEGIANCE - led by Mayor Anderson.

4. ADOPTION OF AGENDA

Mayor Anderson reported that a request was made for Item 6A to be delayed, and requested hearing it after Item 8A.

ACTION: It was M/S/C (Tatzin/Andersson) to adopt the agenda, as amended. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

5. PUBLIC COMMENTS

Mayor Anderson noted requests were made to allow public comment on Item 10.G.

JOHN ERICKSON, representing the Secluded Valley Homeowners Association, voiced continued concern regarding the traffic calming project at Acalanes Valley and Ridge neighborhood; however, he said he fully expects the project to move forward. He said he is a CERT member and first responder, voiced concern about emergency response times as a result of changing the street configuration.

MARY LYNN MLYNEK voiced support for the Acalanes Valley and Ridge traffic calming and sidewalk project, discussed the fatality and 6-car accident on her street, and reported they have raised $1,300 in the last 13 days, for a total of $21,378, and have $8,621.22 left to raise.

Convene Redevelopment Agency

ACTION: It was M/S/C (Tatzin/Andersson) to convene the Redevelopment Agency. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

7. OLD BUSINESS

A. Tracy Robinson, Administrative Services Director
Update on the Redevelopment Tax Allocation Bonds Series 2008
Recommendation: Receive and File.

Ms. Robinson deferred to Mark Curran, Piper Jaffray, who will update the Council.

Mark Curran, Piper Jaffray, said he was before the Council two weeks prior which was the worst day in the bond market, and since then, the market has improved every day. He said AA bonds have been trading in the high 5%'s or low 6%'s. Tomorrow, there will be one A quality redevelopment financing of about $70 million for San Jose and they expect the City's financing to price better than this one on Wednesday. He expects that the financing will be successfully marketed on Wednesday and that it will be under 7%. Their goal is to be under 6.6% or 6.5%. Today, they have sent out information saying they wanted to cut the call protection from the standard 10-years to 5-years with a 102 premium. He discussed spreads between A and AA ratings.

ACTION: It was M/S/C (Tatzin/Andersson) to receive and file. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

B. Don Tatzin and Tracy Robinson
Update on discussions with the Lafayette Library & Learning Center Foundation for a short-term construction loan.
Recommendation: Discuss and direct staff.

Vice Chair Tatzin said the Lafayette Library and Learning Center Foundation met last Wednesday and discussed the idea of supplementing the proceeds from the tax allocation bond with an additional loan to help facilitate completion of the Library construction. They agreed to proceed with discussions with the City. He outlined terms of the discussion; they would loan approximately $2 million with the intent of being repaid in 2011 or whenever another Redevelopment Agency bond could be floated, with both interest and principle being paid at once instead of compounded. The interest rate would be comparable, recognizing that they are taking a bigger risk because the bonds would be subordinate to the tax allocation bonds.

In addition, the Foundation would like to see the City provide comparable funding from other reserves earlier in the timeframe than the Foundation does so that $4 million in total would supplement the bond proceeds, the City would put in $2 million and their $2 million would follow after the City's money comes in. They want to make sure the City is committed, as the combination of their bond proceeds and their loan may not be sufficient. They would like their short-term note to be repaid at least as early as that additional City funding.

Secondly, recognizing the change in the financial markets, the Foundation requests about a 25 basis point increase in the rate of the existing loan which is still capitalized, and that would exist until the loan was paid or when the 2008 bonds are recalled, whichever occurs first.

Chair Anderson confirmed with Vice Chair Tatzin that the 25 basis points on the existing rate would be added onto the money already borrowed. On a $9 million loan, 25 basis points would be $22,500 a year for the first year and then it compounds.

Agencymember Federighi questioned the basis for the request, and Vice Chair Tatzin said market conditions have changed dramatically and they gave this loan a subordinate position to loans that have paid substantially more for it. He asked that the Council to recognize it remains all above the cap dollars and it is still subordinate to the City's tax allocation bonds.

Chair Anderson suggested discussions continue and an update be provided in the future.

Executive Director Falk commended Vice Chair Tatzin for taking the lead as liaison between the Redevelopment Agency and the Foundation. He said this sounds like a structure of a deal that could be mutually beneficial to all parties involved. He said with a building so complex and weather uncertainties, the City will undoubtedly have change orders and cost overruns as the project is built, so it is nice to know there is a structure in place that would serve as the financial buffer if those issues arise.

There were no public speakers.

Adjourn Redevelopment Agency

ACTION: It was M/S/C (Tatzin/Andersson) to adjourn the Redevelopment Agency. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

C. Niroop Srivatsa, Planning & Building Services Manager
Consideration of a request by Lafayette Residential Partners, LLC to approve the transfer of Town Center Phase III to KB Home South Bay, Inc. per the terms of the Town Center Development Agreement
Recommendation: Adopt Resolution 2008-044 approving Lafayette Residential Partner's request to transfer the Phase III property and the Town Center Development Agreement to KB Home South Bay, Inc.; the transfer to become effective upon: (1) KB Home's execution of an assignment and assumption agreement in a form approved by the City; and (2) the transfer of the Property to KB Home prior to the expiration of the Development Agreement.

Ms. Srivatsa said the representatives of Lafayette Residential Partners, David Bowie and Ivan Glover, met with her to inform her that they are not quite ready to present the item to the Council and asked that it not be acted on tonight. They prefer the date be left open until they are ready to move forward.

ACTION: It was M/S/C (Tatzin/Andersson) to receive and file. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

8. STAFF REPORTS

A. Matt Luttropp, Associate Engineer
Request from Happy Valley Road Residents to modify the pathway configuration from Franklin Lane to Valory Lane
Recommendation: Option 1- Maintain existing conditions.

Mr. Falk said before the Council is a request from residents to modify the pathway configuration that runs from Franklin Lane to Valory Lane along Happy Valley Road. The project was just recently completed as a Capital Improvement Project. The project received the City's standard operating procedure for community review and the City Engineer did post A-frame signs in the neighborhood and held a community workshop when the design of the project was being drawn. While the City's processes may not always work to everyone's satisfaction, the City built the

walkway according to the plan that emanated from that process, but staff has since heard dissatisfaction from a number of residents along Happy Valley Road regarding how the path was configured.

Mr. Falk noted a letter from Bill Bucher, Happy Valley Improvement Association was received and before the Council which cites their position. He said staff's position is that the City did undertake the standard design procedure and if residents would like to alter the route of the pathway, it should be at their expense because the City designed the project in conjunction with community input, and the change would cost approximately $32,000 to $50,000, which could be spent elsewhere. Staff therefore recommends Option 1; to maintain the existing condition.

Vice Mayor Tatzin said he met with some of the residents in the neighborhood, walked most of the pathway up for consideration, and he also discussed the issue with staff. He suggested to residents that they ask that the item be placed on the agenda. His sense from looking at the project, this is an area where the speed limit is 30 mph, there is a raised sidewalk by the typical curb height over the road and one can argue that this is a similar configuration used in other parts of the town, but the difference is that one does not necessarily expect the downtown sidewalks to serve as routes to schools for elementary school children. And there is valid concern from residents that if a child loses control while riding his bike and plunges off the curb, they may very well hit a car going 30 mph. He felt there is a reason to be concerned, and something the City could help ameliorate with the residents pitching in.

Councilmember Andersson referred to the staff report; "80% of the existing pathway at Happy Valley Road are of similar design." He questioned if the particular stretch was significantly different. Vice Mayor Tatzin said yes, if one started at Deer Hill and go up, it is different than the part between Deer Hill and Franklin, and he briefly described those differences, stating that for most of the Deer Hill and Franklin portion, the path is either at street level with a berm separating the two, and in most of that part, there is 3-5 feet of neighbor installed plantings between the road and the path. In this case, staff received input and they preferred paving up to the berm rather than creating a 3 foot dirt space between the berm and the paving. However, the complication is that there is a sidewalk that is right on the berm whereas in most of the length from Deer Hill up, there is none. He said also, in looking at the Moraga Road trail recently installed, most of this is set back from the street.

Councilmember Federighi said when the City was looking at the Moraga Road pathway, there was considerable concern at the time by neighbors during the process to install a fence, and she said it was unfortunate that the concern was voiced after the fact.

Mr. Falk said the City recently approved a walkway design for Mt. Diablo Boulevard from Village Center to the Reservoir, and there was much conversation where staff was directed that the walkway would sit flush with the street. He believed this is a very common design and one used recently in very heavily traveled areas in the City.

Public Comments:

TOM FELLNER said they have arrived at a walkway that creates no margin of error. He presented pictures and said what delineates the curb and the street is space. He brought his daughter, Coco, and said recently she was navigating through the walkway next to the curb by a telephone pole and fell into the roadway area, where a car stopped within 3 feet of running over her head. Also, there was construction occurring up the street and a dump truck passed a woman who was traveling in excess of 50 mph. Therefore, he voiced concern with placement of the walkway, speed issues on Happy Valley Road, and have collected over 200 signatures of

concerned families. He believed the walkway was designed to promote children walking or riding to school, and he questioned if it was being used. While they appreciate the effort, it has created a useless walkway and one which does not benefit the community. He also discussed being hit on Happy Valley Road riding his bike.

Councilmember Andersson questioned whether Mr. Fellner had a preference for any of the four options presented in the staff report; to do nothing, to relocate the pathway away from the road, to widen it, or to put in a foot rail fence and widen it.

Mr. Fellner said they have looked at the options and they basically want it moved to where it was. He spoke to a number of neighbors and one argument made was that it was never considered to put the path where it was due to the number of easement issues, and neighbors were never contacted, and Mr. Timkin was genuinely concerned with the overall safety.

JENNIFER FELLNER said when the path began to be repaved; they were unaware of signs posted or community hearings to come to. They were enthusiastic about the path being repaved, but they had no idea there was an opportunity to weigh in on its course and are concerned.

KARLA MCQUAIN, Happy Valley Estates Homeowners Association and the Happy Valley Parents Club, said the association signed a petition, said they have an active walk and roll to school program which tries to get people to walk and she has been bombarded with phone calls from parents. She said the major drop off point for parents is Franklin Lane, which alleviates the congestion at the school, but it is a dangerous situation. She said she thinks she saw signs posted to come to meetings, but it never struck her that parts of the path which were extremely damaged would simply be redone. However, the one area that got moved and if she believed the improvement included this, she would have come to the meeting. She said in addition, everyone knows people do not travel 30 mph, but up to 50 mph daily, she described previous accidents, and felt traffic calming measures would next be proposed by residents.

Councilmember Andersson said the sidewalk petition indicated it was originally for placement of the foot rail fence. He confirmed that Ms. McQuain discussed the situation with Mr. Luttropp who indicated it would be more economical to have the pathway moved sometime in the future and this is why the foot rail fence was requested, as it was the quickest means to get kids back and walking to school.

Vice Mayor Tatzin said also discussed was whether residents could assist in funding the work, and Ms. McQuain said residents are interested, but she was not sure how much. She confirmed with him that all neighbors would be willing to grant easements.

BILL BUCHER, President of the Happy Valley Improvement Association, said they very much thank the City for the walkway being built and also the timing of the building, neighbors talked about why the section was a problem and the statement that 80% of Happy Valley Road is the same design is incorrect. This is one of the few places where the roadway has been elevated to the curb height and put next to the white line on the road. At most every other place, the walkway is the same level of the road and if not, the walkway is separated. He said they did see the public notice, someone from the association did participate in the meeting, they are not experts in understanding the specifics of the design, and the person who participated simply did not comprehend it on paper. Secondly, he said Mt. Diablo Boulevard has a bike path that's five feet and not comparable to the current issue. By raising the roadway, the top of the curb in fact becomes part of the roadway, and he measured it as 4.5 inches. If he walks with his back to traffic on the curb, he could be clipped by an automobile's mirror, and he felt there should be

some gap to separate pedestrian traffic from roadway traffic. He hoped the City could relook at the situation and address it.

JIM SHEPHERD said he attended the meeting, Mr. Luttropp was very helpful, and he and two other neighbors walked away with the understanding that the path was going to be at road level similar to the beginning of Happy Valley Road. However, as he looks at the current design, he has concerns. He is very involved with emergency and rescue and he is afraid he will hear the skids and have to pull a child out from under a car, and neighbors are standing behind changing the design. He spoke of concerns about speed, supports the City in trying to address the matter, and hoped something could be done.

JEANINE KOENIG said she is very much in support of changing the path, said she feels safe with walking because there is a guard rail, discussed her experiences with speeding traffic, said she recently had a situation where she was on her horse and a truck pulling a boat roared past her and her horse ejected her and galloped past her. She discussed how on Monday mornings, garbage cans block the path and children can only get around the cans by going off the path and into traffic. Regarding traffic calming, she travels over several speed bumps a day, which she feels absolutely work and she felt this would slow people down.

MARGARET KINTHER apologized for not coming to the meeting and said people assumed that repaving the path meant repaving it as it was. She felt it was impossible to navigate bicycles in a specific area and said it is not functional, and asked for consideration as to what to do with it.

KENT PRICE said he lives on Redwood Lane, said he and his neighbors did not attend the meetings, said children need to walk on the gravel road down to the cross guard to get to school currently and he questioned whether or not there will be a new path up to Redwood Lane.

TOM FELLNER added that on Happy Valley Road the speed limit is 30 mph and the school speed limit is 25 mph, and Moraga Road is 25 and 20 mph respectively, and he suggested realigning the limits.

Mayor Anderson felt the situation may be unsafe and needed attention. He said he would like to see a process undertaken to explore the possibility of moving the pathway back, which means cooperation from adjacent residents, work with staff.

Vice Mayor Tatzin said residents suggested next steps; the preference is to have the path partially on public and partially on private easements. Therefore, the necessary easements would need to be obtained, and he would hope residents would stay involved, and the City could provide a release the City needs to accomplish the easement. Residents could take on the task of getting the necessary neighbors to sign them, and do this quickly enough in order to put the project on next summer's construction plan. He said Mr. Luttropp has been consistently responsive with his requests and he felt the plan outlines good options.

Councilmember Andersson said there is standard noticing that occurred, and he questioned what it consisted of. Mr. Luttropp said it consisted of a 3x3 foot fluorescent orange sign being placed at the project limits at each direction, which briefly describe what the project is for, when, where, and the City's website address. He said there is no mailed noticing because staff found that these got recycled very quickly and staff had better results with sign boards.

Councilmember Andersson questioned if it were possible to generate options with costs associated for each, as well as the incremental cost of doing the work after the fact to be done.

Mr. Luttropp said he could provide an estimate, and noted that the contractor who did do the work completed it at a loss.

Councilmember Federighi said it sounded as though there was consensus for moving the path to the original location. She said if the City were able to obtain the necessary easement sign-off's, she questioned and confirmed that construction was feasible for 2009. She asked if someone was willing to serve as the point person to try and get the sign-off's for the easements.

Mayor Anderson believed staff should discuss the situation, and Mr. Luttropp suggested holding an open house and have all neighbors discuss it. Mayor Anderson suggested moving forward with Option 2 and determine if assistance cannot be enlisted from those present at tonight's meeting. He felt also in that process, cost increments should be identified as well as a timeframe, which would return to Council. He also hoped the neighborhood would consider raising some funds to help cover the additional cost over between what the original cost would have been.

Vice Mayor Tatzin said if one looks to the portion of Happy Valley Road to the east of the trail, a number of neighbors have landscape the area between the new trail and Happy Valley Road, which looks nice. The City may want to grant an easement for the trail on their property, subject to review, to allow them to landscape the area between where the trail would be and the end of the dirt and also coordinate it so that if they want to put a stub for irrigation line, they could do it then.

City Manager Falk said in the staff report, it does detail what the incremental cost would be to implement Option 2, which is $51,000. Mayor Anderson said the question was, what is the additional incremental cost to do the same work now had it been done with the rest of the project. He felt it would have cost less, and he suggested resident pay that difference, which is Councilmember Andersson's point.

Mr. Luttropp said other than comparing what staff thinks it can get a price using their standard path prices, compared with the bid received for the project is, he cannot guess on that. The initial cost was also very low due to the contractor's low bid. Therefore, other than letting it out to bid again, he cannot provide an estimate for such a small project.

Vice Mayor Tatzin confirmed the City paid $85,000 for the entire project, and this section was probably about $35,000. Mayor Anderson felt then that about $15,000 of additional costs was incurred from the $51,000 to do it now.

Councilmember Andersson said there seems to be a consensus for Option 2 and he suggested that as residents discuss the petition asking for a fence, to make clear that they are aware they will not be getting a fence in the option.

Councilmember Federighi felt the other issue of the neighborhood was the issue of speed. Concurrent with taking a look at getting the easements signed off, getting a plan in place, and determining neighborhood contribution and it would be helpful for neighbors to also come to consensus about traffic calming measure. She suggested they discuss this with Ms. Greenblat and discuss the process and urged the neighbors to do this.

Ms. McQuain said she wanted to clarify that she was the one who wrote the petition. The reason for the guard rail fence was because they were under the impression that they cannot fix the pathway until next summer. They do not want to have to wait 10 months due to the dangerous current conditions. She said the petition was written because they believed it was the most

efficient way to get something done, and she asked what options are available to slow down traffic now, to put up a fence, flashing lights, or something to demark the road from the pathway.

Mayor Anderson believed there was a lot of complexity to the issue and suggested neighbors meet with Mr. Luttropp, look at options, and provide the Council with a way to address both the short term and long term issue. He was a little concerned about the fact that the process was followed and it is being revisited, citing additional cost and time. Given that it is a safety issue, he would like to see something effective that would be responsive to concerns.

Councilmember Federighi said she was also concerned what it would cost to install a temporary solution.

ACTION: The City Council directed staff to work with area residents on options for a short term and long term solution for pathway modifications from Franklin Lane to Valory Lane.

6. **PRESENTATIONS** (deferred from earlier in the meeting)
   A. Erling Horn, Board of Directors Central Contra Costa Transit Authority and Rick Ramacier, General Manager County Connection County Connection Budget and SB 375 Regional Transportation Planning Process
   Recommendation: Receive and File

Erling Horn, Central Contra Costa Transit Authority Director, presented an overview of County Connection, stating it has been in operation since 1980, said former Mayor Gail Uilkema was one of the founding Boardmembers, said it includes 10 cities and the County and it covers a myriad of 180 square miles, it has 131 buses, 55 Para transit vans, 25 rural and semi-rural routes and 5 express routes. The budget totals $34 million with $29 million going to bus service and $5 million going to Para transit, or the Link service. The fare box ratio is 18%, advertising and enterprise revenues is 2%, which leaves 80% which comes from public funds. He said the operation serves 4.5 million passengers last year and has double digit increases they believe due to gasoline prices. Weekday rider ship prior to the spike in gas prices steadied at 16,000 riders per week and is now up to over 19,000. Fares are $1.75, seniors ride free from 10AM to 2PM everyday, and in comparison to other transit systems, the fare box recovery ratio is 25% on average of all transit operations in the Bay Area, which include bus, rail and ferry service. Passengers per vehicle revenue hour is 28 on average and is now 18.1 with County Connection. Cost per passenger boarding area wide is $6.70 but at County Connection it is $5.50. And the cost per vehicle hour in passenger service is $185 and County Connection is $100.

Mr. Horn introduced Rick Ramacier who will outline their budget, and the service impacts anticipated for County Connection. He will also discuss SB 375 with regard to transit considerations. Regarding public hearings on service changes, there are public workshops scheduled on November 12 in Lafayette, November 6 in Walnut Creek, and November 13 in Pleasant Hill. He described Lafayette's bus routes (206, 206L, 106, a small loop off the 106, the new 250, and 820).

He said County Connection is going green. They are purchasing 40 new buses and 16 of those 40 will be diesel/electric hybrid buses. While they cost $150,000 more per bus and they require a match from County Connection of $30,000 per bus, the anticipated fuel savings will cover the cost increase in about 4 years. Of the $19 million budgeted for the 40 buses, $15 million of the funding comes mostly from the federal government and $4 million from MTC.

Another service which covered the football games; Cal service, was dropped this year. It was run for 20 years and they had a high subsidy on it, stating the cost was $30 per trip and the tickets were $9. Silverado Stages now run the service at $18 per ticket per round trip. Finally, he said the LaMorinda Spirit is a fantastic example of service which started in June of 2006. It uses old surplus vans which have been offered to the City, it is run with volunteer drivers, and it provides medical and senior weekday lunch transportation and is successful.

Rick Ramacier, General Manager, County Connection, reiterated that their annual budget is $34.5 million. 60-70% of the budget comes from TDA funds which are collected and distributed by MTC to transit operators throughout the Bay Area. Their second most important funding source is the State Transit assistance, which comes from the Public Transportation account of the State which is supplied with funds from the sales tax on gas. Their third most funding source is the federal capital funding which helps buy buses and other capital equipment crucial to the operation of the County Connection. They also receive a fair amount from Measure C – now Measure J, and from fares. He said the financial situation has been caused by accumulate $7.4 million in TDA funds from 2005 that is due largely to the economy slowing down. They also estimate they have lost about $5 million in FTA funds from 2005 that the state has taken and put into their general fund to backfill their deficits. They lost $1.4 million of FTA from the January budget and they would have seen another $2-$3 million for this year. Their reserve is down to a $1.1 million at the end of the fiscal year and if expenses are not cut, by the end of 2010, they will be in a deficit of $2.6 million. They also anticipate the State will continue to take a great chunk of FTA from transit, as they see them facing the same situation next year and the year after.

In response to this, they are looking at closing their customer service center at the Walnut Creek BART station, they have a hiring freeze in place, they are looking at layoffs and early retirement next year, they are delaying select capital projects until 2010/2011, they are considering eliminate their free fare they offer seniors mid-day and apply an 85 cent fare, and they are looking at reducing up to 20% of their service. By doing this, they will build up their reserves to $2.5 million by the end of 2011 which will allow them to absorb the next unexpected hit.

He said they are crafting their recommendations to the Board who will meet in a study session on Thursday to review basic service to those affected using the transit system, and they will go out with public workshops and hearings throughout November and December and then the Board will receive a final proposal in January.

They are looking at streamlining Route 106, they have found a number of routes where there is very little activity, and they will attempt to eliminate the unused service areas and keep the active service areas. He said similarly, Route 206 will get a major overhaul, but their goal will be to keep active service areas covered. Unlike the 106, the 206 is used by school children. He said the 250 is totally subsidized by St. Mary's College, and they are looking to redirect funds for the night owl service through an agreement with MTC. He said Mr. Horn will be kept informed and they will want to engage City staff in their dialogue about specific proposals in moving forward.

Regarding SB 375, the author tried to engage transit as a supporter, but he pointed out to the author that most boardmembers are made up of city councilmembers who have issues with the bill. He also pointed out to the author that there is no money for transit. Mr. Steinberg's theory is that the bill itself will promote smart growth which will lead more people to use transit, the bill applies to new growth, and new growth occurs in areas where there is no transit today, thus the dilemma of the need for new revenues in those new areas. He said MTC will need to get some

conformance from the BAAQMD on their plan and it will need to include something that discusses how the plan will work to reduce greenhouse gasses.

Councilmember Andersson said there is an attempt to provide some authority in the way development will take place to achieve goals, yet the bill does not mention local general plans and local planning authority. He questioned if there is some sort of enforcement mechanism or persuasion involved, as it seems to be giving authority with no power behind it. Mr. Ramacier said this may be correct, but the bill is complex and he does not see any enforcement mechanisms in it per se, but it may come from the regional planning process. He said it also brings it together with the REINA process in terms of timelines; it tries to merge together the transportation planning with housing planning and the plans must be reviewed by the BAAQMD.

Councilmember Andersson said it would appear that there was an equal partnership with ABAG as far as producing the REINA numbers and he asked what those allocations would be, what the numbers would be and whether or not the same people would be in charge. Mr. Ramacier said he was not sure of this.

Vice Mayor Tatzin announced that a discussion of SB 375 will be held at the next Mayors' Conference.

The City Council thanked Mr. Horn and Ramacier for their presentations.

9. PUBLIC HEARINGS

10. CONSENT CALENDAR

Councilmember Andersson requested removing Item 10F.

ACTION: It was M/S/C (Tatzin/Federighi) to approve Consent Calendar Items A, B, C, D, E, G, H and I. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

A. City Council Minutes

1. **October 9, 2008**
   Recommendation: Approve.
2. **October 14, 2008**
   Recommendation: Approve.

B. Final acceptance for Project PS 06-06 Embankment Stabilization St. Mary's Road North of Wallabi Court Federal Air Project ER-4433 (011)
Recommendation: Accept Project PS 06-06 as complete and authorize staff to file a Notice of Completion.

C. Final acceptance for Project 014-9666 Mt. Diablo Boulevard from Dolores Drive to First Street
Recommendation: Accept Project Number 014-9666 as complete and authorize staff to file a Notice of Completion.

D. Final acceptance for Project 014-9668 Estates Drive/Canyon Road
Recommendation: Accept Project Number 014-9668 as complete and authorize staff to file a Notice of Completion.

E. **Resolution 2008-043 authorizing the City Manager to enter into Grant Agreement(s) with the California Integrated Waste Management Board (CIWMB)**
Recommendation: Adopt Resolution 2008-043.

G. **Request by the Acalanes Valley and Ridge Neighborhood for an extension of their fundraising deadline**
Recommendation: Grant request.

H. **Municipal Pooling Authority 2007 Annual Report**
Recommendation: Receive and File

I. **Code Enforcement Activity Report**
Recommendation: Receive and File.

Item Removed from Consent Calendar:

F. **Drought response and water well feasibility study**
Recommendation: Direct staff to: 1) proceed with a ground imaging study and, if positive, test drilling at the Community Park; and 2) to report back to Council with the Findings of this investigation.

Councilmember Andersson referred to Option C as the recommended option in the summary table. It indicated a return period for the capital outlay. He said as he understands the 7-year return was calculated, it was the low end of the capital costs for one well. He questioned and confirmed with the City Manager therefore that the 7-year return would be the minimum number. Councilmember Andersson also referred to page 1 of 1, and said that for drilling wells for the south half of the park, it provides a $40,450 estimate and for the entire park; $43,450. He questioned how twice the area would be covered for such a small increment.

City Manager Falk said most likely the south half of the park is where all the ballfields are and the north half is essentially not irrigated, and therefore a smaller area to analyze.

Councilmember Andersson said in doing one well rather than three wells, he questioned if one well would be sufficient. Ms. Merideth said staff is analyzing what is out there, they will do imaging and if it looks good, a test drill will be done and staff will return. City Manager Falk said staff has not been informed what the water situation will be like after next year.

Councilmember Andersson questioned if there is an advantage to proceed even if the payback turns out to be more than one normally likes to see. City Manager Falk said given the pressures of growth on the east bay and the issues related to climate change, water will be increasingly more valuable and self-sufficiency in their largest park will be a good investment, hence the need for the study.

ACTION: It was M/S/C (Andersson/Tatzin) to direct staff to: 1) proceed with a ground imaging study and, if positive, test drilling at the Community Park; and 2) to report back to Council with the Findings of this investigation. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

11. COUNCIL/COMMISSION REPORTS

A. Councilmember report on activities and consideration of matters a councilmember wishes to initiate for placement on a future agenda.

Vice Mayor Tatzin reported attending the annual Reservoir Run. Councilmember Federighi reported on her attendance to the ABAG Fall Assembly where the focus was water, and the first speaker was Senator Steinberg who discussed stakeholder views and compromises made. She said it appears the water supply and eco-system needs to be protected and the balance to do it will be the trick, and currently, the water contracts exceed by eight times the supply of available water. The final speaker concluded that he has heard water arguments for 40 years and the problem with California is due to culture, population increase, and is virtually ungovernable. She also attended a great women's conference in Long Beach with interesting speakers.

12. WRITTEN COMMUNICATIONS

City Manager Falk presented responses from the customer satisfaction survey for the Saturday Commission breakfast. He said it got high ratings, most falling between 4 and 5. People were split between liking the holding of the event at the Veterans Building or the Lafayette Park Hotel, with 17 votes each. They liked the time 38 to 1, as well as the rest of the forum.

13. ADJOURNMENT

The City Council adjourned at 9:10 pm to the previously held Closed Session, and thereafter to the next regularly scheduled meeting on Monday, November 10, 2008,

APPROVED:

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Mike Anderson, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk